

Towns Rating (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Cluses.

Preamble.

1. Short title of Act.
2. Occupiers to be rated.
3. Owners to furnish names of occupiers.
4. Poor rates deemed to be payable by actual occupier when rates made. Immediate lessor still liable.
5. Where owners ought to pay rates the occupiers paying the same may deduct the amount from rent.
6. Constructive payment of the rate.
7. Rate when unpaid to be demanded from occupiers.
8. 12 & 13 Vict. c. 91. s. 33 repealed.
9. Acts to be read with this Act.
10. Interpretation.

SCHEDULE.

A.

B I L L

TO

Amend the Law relating to the Rating of Towns in Ireland, A.D. 1876.

WHEREAS it frequently happens that persons entitled to the Municipal and parliamentary franchise in cities, towns, and boroughs in Ireland are deprived of their right to the same by the omission of their names being inserted in the rates made for the relief of the poor in respect of premises occupied by them, and it is expedient to provide a remedy in that behalf in the same manner as same has been already provided in the cities, towns, and boroughs in England:

Be it therefore enacted by the Queen's most Excellent Majesty, 10 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may upon all occasions and for all purposes be cited Short title
of Act. as "The Towns Rating (Ireland) Act, 1876."

15 2. In making out any poor rate after the passing of this Act, in respect of any premises situate wholly or in part within the parliamentary limits of any city, town, or borough returning a Member or Members to Parliament, or within the limits of any town corporate, the guardians of the poor, or other person or persons making out the said rate, shall enter in the occupier's column of the rate book the name of the occupier of every rateable hereditament, whether the rate is collected from or payable by the owner or occupier, and such occupier shall be deemed to be duly rated for the purpose of any qualification created by any Act regulating the municipal or parliamentary franchise in Ireland; and if any clerk of the union, or other person actually charged with the making out of the rate, negligently or wilfully or without reasonable cause omits the name of any occupier of any rateable hereditament from the rate, or negligently or wilfully missates any name therein, 30 such clerk or other person shall, for every such omission or missstate-
Occupier to
be rated.
s2 & 3 Vict.
c. 41. s. 19.

[Bill 41.]

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A.D. 1876. — ment, be liable to a *penalty* not exceeding *two pounds*, to be recovered by civil bill before the chairman of the county at suit of the occupier of the premises in relation to which such omission or misstatement shall have taken place: Provided that any occupier whose name shall be so omitted shall, notwithstanding such omission, and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating in the same manner as if his name had not been so omitted.

Owners to
furnish
names of
occupiers.
32 & 33 Vict.
c. 41. s. 9.

3. Every owner who pays the poor rate in respect of any such premises not in his own occupation, or who is rated or liable to be rated for any hereditament situated within the parliamentary limits of any city, town, or borough returning a Member to Parliament, or within any town corporate, shall deliver to the guardians of the poor, clerk of the union, collector-general of rates, or other person making out any rate in which such premises or hereditaments are included, from time to time, when required by them or him, in writing, a list containing a list of the actual occupiers of the premises and hereditaments in respect of which he pays the rates or is rated or liable to be rated, and if any such owner wilfully omits to deliver such list when required to do so, or wilfully omits therefrom or mis-states the name of any occupier, he shall for every such omission or mis-statement be liable on summary conviction to a *penalty* not exceeding *two pounds*.

Poor rates
deemed to be
payable by
actual occu-
pier when
rates made.

4. For the purposes of this Act all poor rates assessed upon any one in respect of any premises situated wholly or in part within the limits of any city, town, or borough returning a Member or Members to Parliament, or of any town corporate, shall be deemed to be payable by the person who was or shall be the actual occupier of the premises at the time when such rates became or shall become payable; provided always, that whenever the immediate lessor of any premises is now by law liable to be rated and to pay the poor rate in respect of such premises, such liability shall continue in full force and effect, anything herein contained to the contrary notwithstanding, and all such rates may be recovered from and enforced against him in the same manner as if this Act had not been passed.

Immediate
lessor still
liable.
Where
owners omit
to pay rates
the occupier
paying the
same may
deduct the

5. When any owner who is liable to pay the poor rate in respect of any premises situated within any city, town, or borough returning a Member or Members to Parliament, or of any town corporate, omits or neglects to pay before the *first day of March* any rate which became due before the first day of the preceding January, the occupier may pay the same and deduct the amount from the

rent due or accruing due to the owner, and the receipt for such rate shall be a valid discharge of the rent to the extent of the rate so paid.

6. Every payment of a rate by the occupier, notwithstanding the amount thereof may be deducted from his rent as herein provided, and every payment of a rate by the owner, whether he is himself rated or is liable to pay the same or has agreed with the occupier to pay it, shall be deemed a payment of the rate by the occupier for the purpose of any qualification which as regards rating depends upon the payment of the poor rate.

7. Where any poor rate due previously to the first day of January in respect of any premises situate in any city, town, or borough returning a Member or Members to Parliament, or any town corporate, shall be unpaid on the first day of June following, in every case in which the premises are rated to such an amount as to entitle the occupier to the municipal or parliamentary franchise, the collector of poor rates or other person whose duty it is to collect such rate shall on or before the twentieth day of June, unless such rate has been previously paid, give or cause to be given to the occupier a demand note in the form in the schedule to this Act annexed. The demand note shall be deemed to be duly given if delivered to the occupier or lessee or with some person at the premises in respect of which the rate is payable. Any collector or other person who shall negligently or wilfully omit to give such demand note shall be deemed guilty of a breach of duty in the execution of this Act.

8. From and after the passing of this Act so much of the sixty-third section of an Act passed in the session of Parliament held in the twelfth and thirteenth years of Her present Majesty, entitled "An Act to provide for the collection of rates in the city of Dublin," as is now in force shall be and the same is hereby repealed, but such repeal shall not in any manner affect the provisions of any other statute generally in force in Ireland in relation to the rating of premises let in separate apartments, but all such statutes shall be applicable to the city of Dublin in the same manner as if the section hereby repealed had never been included in snid Act.

9. This Act and the Representation of the People (Ireland) Act, 1888, and the Act passed in the fourth year of the reign of Her Majesty, entitled "An Act for the regulation of municipal corporations in Ireland," and any Acts amending the same or either of them, shall be read together as one Act.

A.D. 1876.
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amounts from
rent,
32 & 33 Vict.
c. 41. n. 8.
Constructive
payment of
the rate,
32 & 33 Vict.
c. 41. n. 7.

Rate when
unpaid to be
demanded
from occu-
pant,
30 & 31 Vict.
c. 102. n. 28.

12 & 13 Vict.
c. 91. n. 38.
repealed.

Acts to be
read with
this Act.

A.D. 1876.
Interpreta-
tion.

10. The words "town corporate" in this Act shall mean and include any city, town, or borough in which a municipal corporation now exists or shall hereafter exist pursuant to the provisions of the statute passed in the fourth year of the reign of Her Majesty, entitled "An Act for the regulation of municipal corporations in Ireland."⁵

A.D. 1876.

S C H E D U L E.

SCHEDULE A.

FORM OF DEMAND OF RATES.

SIR,

5 I HEREBY demand from you payment of the sum of £⁰
 being the amount of poor rate due and payable in respect of the premises you
 occupy since the [day on which rate became due].

If you do not pay this amount to me or my office before the twentieth day of
 July you will be deprived of your right to vote or be registered as a voter for
 10 [name the city, town, or borough].

If your landlord is bound to pay this rate you are at liberty to pay it to me
 and deduct the amount from your next payment of rent. My receipt must be
 accepted by him as a discharge of so much of your rent.

(Signed) T B.,

Collector of Poor Rates.

15 To A.B.,

Occupier of the premises [describe them].

Towns Rating (Ireland).

BILL

A

To amend the Law relating to the
Rating of Towns in Ireland.

(Prepared and brought in by
Sir Douglas McKeown, Mr. Butt, Mr. Monkhouse
Brooks, and Mr. Merton.)

Ordered, by The House of Commons, to be Printed,
9 February 1838.

[BILL 41.]

Under 1 o*z*.